

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE: NEW ENGLAND)
COMPOUNDING PHARMACY, INC.)
PRODUCTS LIABILITY LITIGATION)

BASIL E. PROFFITT,)

Plaintiff,)

v.)

NEW ENGLAND COMPOUNDING)
PHARMACY, INC. D/B/A NEW)
ENGLAND COMPOUNDING CENTER,)

and)

IMAGE GUIDED PAIN)
MANAGEMENT, P.C., D/B/A INSIGHT)
IMAGING ROANOKE)

Defendants.)**

**Master Docket No. 1:13-md-2419-FDS
This Document Relates To:
Civil Action No. 1:13-cv-11377-FDS**

**PLAINTIFF'S NOTICE OF DISMISSAL OF DEFENDANT
IMAGE GUIDED PAIN MANAGEMENT, P.C.,
D/B/A INSIGHT IMAGING ROANOKE**

Plaintiff Basil E. Proffitt, by counsel, represents to the Court that defendant Image Guided Pain Management, P.C., d/b/a Insight Imaging Roanoke has not yet served either an Answer or a Motion for Summary Judgment in this action. Plaintiff hereby files this Notice of Dismissal, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, dismissing Image Guided Pain Management, P.C., d/b/a Insight Imaging Roanoke from this action without prejudice to any subsequent action the plaintiff may institute against Image Guided Pain Management, P.C., d/b/a Insight Imaging Roanoke in any Court of competent jurisdiction.

Plaintiff further represents to the Court that it is plaintiff's intention that this action continue as to any and all claims remaining against defendant New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center.

Respectfully submitted,

BASIL E. PROFFITT

By: /s/ Jeffrey A. Travers

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*Counsel for Defendant Image Guided Pain
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 13th day of September 2013, a true and exact copy of the foregoing was filed with the Clerk of the Court using the CM/ECF filing system, thereby providing electronic notice to john.jessee@leclairryan.com, nancy.reynolds@leclairryan.com, michael.gardner@leclairryan.com, counsel for defendant Image Guided Pain Management, P.C., d/b/a Insight Imaging Roanoke, and to rebecca.herbig@bowmanandbrooke.com, counsel for defendant NECC. Paper copies will be sent to those indicated as non registered participants on September 13, 2013.

/s/ Jeffrey Travers